



**Cost Reimbursement
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 6
AGENDA DATE: Thu 10/21/2004
PAGE: 1 of 2

SUBJECT: Authorize negotiation and execution of a cost reimbursement agreement with Walters Southwest Development, providing terms and conditions for construction of a 15-inch gravity wastewater main and appurtenances to provide wastewater service to the Adams Extract Tract located along I.H. 35 South and F.M. 1626 with City cost participation in an amount not to exceed \$24,150.00, for actual "hard" (costs not including engineering, design, project management, financing, accounting, easement acquisition or legal services costs) construction costs. Approve an Ordinance waiving the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payments.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Austin Water Utility
DEPARTMENT:

**DIRECTOR'S
AUTHORIZATION:** Chris Lippe

FOR MORE INFORMATION CONTACT: Reynaldo Cantu 972-0240; Laura Wiley 972-0104

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Recommended by the Water and Wastewater Commission

The Adams Extract Tract is a proposed retail/commercial use development located on approximately 119 acres of land located along I.H. 35 South and F.M. 1626 (the "Property"), currently outside the corporate limits of Austin. Walters Southwest Development, (the "Developer") has submitted Service Extension Request Number 2315, requesting the extension of City wastewater utility service to the Property, which is within the Desired Development Zone and Slaughter and Onion Creek Watersheds.

Under the proposed cost reimbursement agreement, the Developer would construct approximately 2,300 feet of 15-inch gravity wastewater main from the existing 18-inch gravity wastewater main in Old San Antonio Road, south along Old San Antonio Road to the Property.

The total cost participation under this agreement will be for the City requested oversized portion of the proposed wastewater improvements. The City has requested that the Developer, and the Developer agreed to construct wastewater facilities of sufficient capacity to meet the needs of the Property and the surrounding area and to finance the construction of the wastewater facilities. The oversized participation amount is computed by multiplying \$3.50 by each inch in diameter that the wastewater main is oversized (12-inch gravity wastewater main to a 15-inch main), by the actual length of the wastewater main constructed within public right-of-way or easements in an amount not to exceed \$24,150.00. The City will reimburse the Developer for a total not to exceed \$24,150.00 in one (1) payment 90-days after final acceptance or October 1, 2005, whichever is later. The Developer will bear all "soft" costs for engineering, design, project management, financing, accounting, easement acquisition and legal services associated with this construction.



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The Developer is requesting a waiver of the City Code requirements in Section 25-9-67, relating to cost reimbursement payments to permit the modified payment schedule of the wastewater improvements described above. Normally under Section 25-9-67, cost reimbursement payments are to be made in one (1) payment on March 1 of the second year following the year in which the wastewater improvements are accepted.

The Developer will conform to the City of Austin design criteria and construction standards in all respects, solicit and publish invitations for bids, evaluate and award for construction of the improvements in accordance with standard City of Austin bidding practices, procedures and Chapter 252 of the Texas Local Government Code in which bids and solicitation based on plans and specifications prepared and approved, including the City MBE/WBE Ordinance.

ORDINANCE NO. 04

AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 25-9-67 OF THE CITY CODE FOR COST REIMBURSEMENT PAYMENTS TO WALTERS SOUTHWEST DEVELOPMENT RELATED TO CONSTRUCTION COSTS FOR A 15-INCH GRAVITY WASTEWATER MAIN AND APPURTENANCES TO SERVE THE ADAMS EXTRACT TRACT AND SURROUNDING AREAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance applies to cost reimbursement payments to be made to Walters Southwest Development in an amount not to exceed \$24,150 for the actual hard construction costs of a 15-inch gravity wastewater main and appurtenances to serve approximately 119 acres (commonly known as the Adams Extract Tract) located along IH-35 South near FM 1626 and surrounding areas.

PART 2. The Council waives the requirements of Section 25-9-67 of the City Code, relating to the schedule for cost reimbursement payments.

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

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§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

10/21/2004
Resolution
Austin Water Utility

DESCRIPTION:

Authorize negotiation and execution of a cost reimbursement agreement with Walters Southwest Development, providing terms and conditions for construction of a 15-inch gravity wastewater main and appurtenances to provide wastewater service to the Adams Extract Tract located along J.H. 35 South and F.M. 1626 with City cost participation in an amount not to exceed \$24,150.00, for actual "hard" construction costs. Approve and Ordinance waiving the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payments.

FINANCIAL INFORMATION:

Parent Project Name: Wastewater Unfunded Future
Project Authorization: 2003-04 Approved Capital Budget
Funding Source: Commercial Paper
Number: 4570 237 2017

Current Appropriation	\$ 410,907,293.00
Unencumbered Balance	121,264,251.86 *
Amount of This Action	<u>(24,150.00)</u>
Remaining Balance	<u>\$ 121,240,101.86</u>
Current Available Balance	\$ 135,194,214.67
Less Outstanding Commitments	<u>(13,929,962.81)</u>
Estimated Unencumbered Balance	<u>\$ 121,264,251.86 *</u>

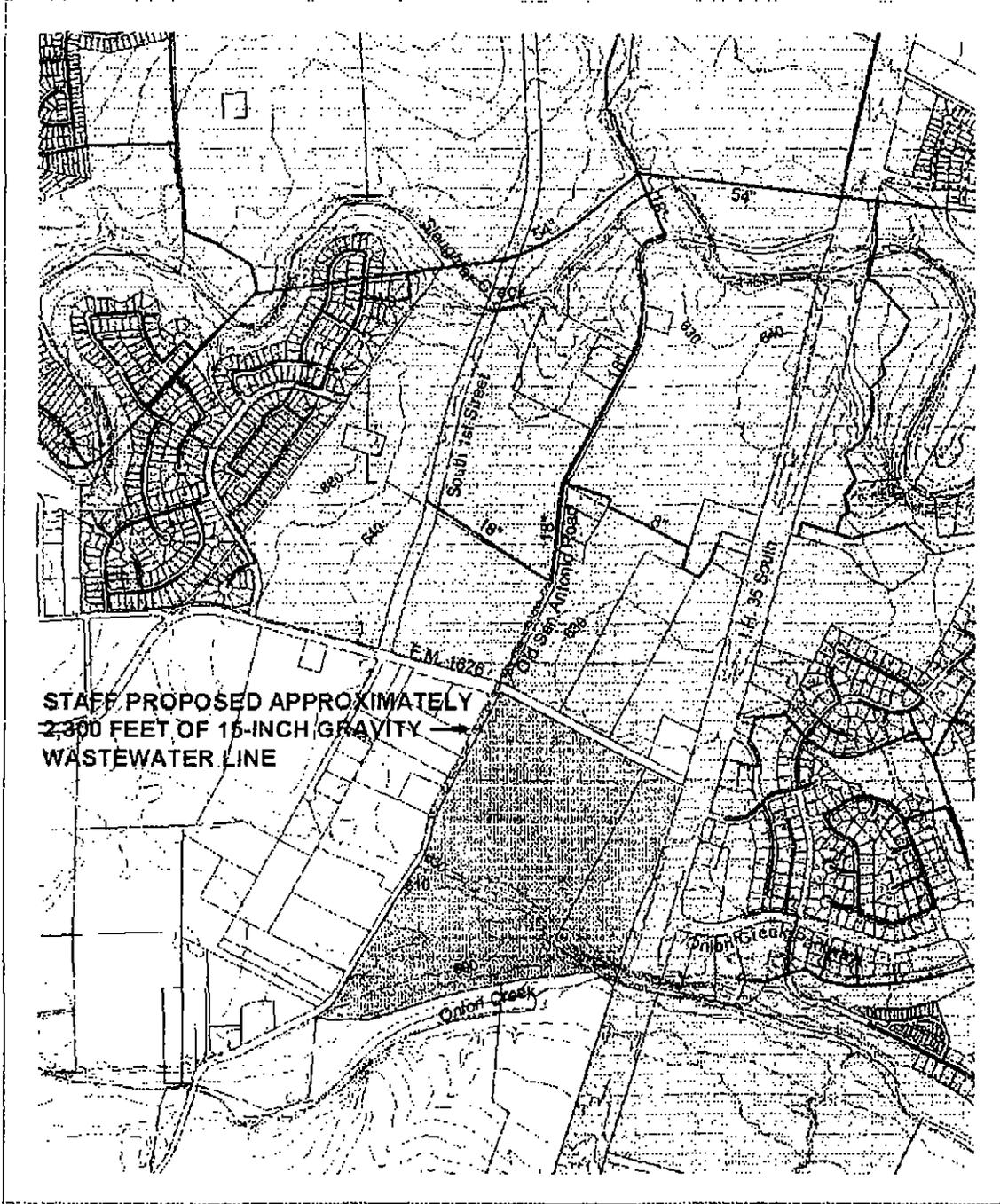
Utility Finance: _____


David Anders, Utilities Finance Manager

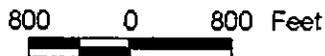
Date: _____

10/11/04

REF. #4570 237 3048



STAFF PROPOSED APPROXIMATELY
2,300 FEET OF 15-INCH GRAVITY
WASTEWATER LINE



-  Subject Tract
-  City Limits

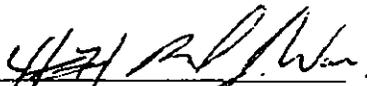
W.W. S.E.R. Name: Riddell Tract/Adams
Extract Tract

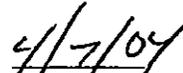
W.W. S.E.R. Number: 2315

No. 040704-G
WATER AND WASTEWATER COMMISSION RESOLUTION
COST REIMBURSEMENT AGREEMENT WITH WALTERS SOUTHWEST DEVELOPMENT, IN AN
AMOUNT NOT TO EXCEED \$24,150.00 FOR ACTUAL "HARD" CONSTRUCTION COSTS
April 7, 2004
REGULAR MEETING
VOTE: 8-0-0-1

Motion made by: Warner
Commissioners Consenting: Coleman, Raun, Miller, Lee, Chan, Friese, Pool
Commissioners Dissenting:
Commissioners Abstaining:
Commissioners Absent: Kirfman

The Water and Wastewater Commission recommends the Council authorize execution of a cost reimbursement agreement with Walters Southwest Development, providing terms and conditions for construction of a 15-inch gravity wastewater main and appurtenances to provide wastewater service to the Adams Extract Tract located along I.H. 35 South and F.M. 1626 with City cost participation in an amount not to exceed \$24,150.00 for actual "hard" construction costs.


Michael Warner, Chairperson
Water and Wastewater Commission


Date